

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF TEXAS
Austin DIVISION

FILED

JUN 29 2005

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

Dale Devon Scheunette 999440
Plaintiff's name and ID Number
Texas Dept of Criminal Justice
Polunsky Unit (Death Row)
Place of Confinement

CASE NO. A05CA502 LY
(Clerk will assign the number)

v.
STATE COMMISSION ON JUDICIAL CONDUCT
P.O. BOX 12265, AUSTIN, TX, 78711-2265

Defendant's name and address
Seana Willing

Defendant's name and address
Joseph B. Morris

Defendant's name and address
(DO NOT USE "ET AL.")

I. PREVIOUS LAWSUITS:

A. Have you filed any other lawsuits in state or federal court relating to your imprisonment? YES NO

B. If your answer to "A" is "yes", describe each lawsuit in the space below.
(If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 1-21-05 - See also attachment
2. Parties to previous lawsuit:
Plaintiff(s) Dale Devon Scheunette
Texas Dept of Criminal Justice
Defendant(s) Warden Biscoe, Wanda Riggins, T. Roddy
3. Court (If federal, name the district; if state, name the county) Eastern Lufkin
4. Docket Number: 9105 CV 34
5. Name of judge to whom case was assigned: Harry McHree
6. Disposition: (Was the case dismissed, appealed, still pending?)
Still pending - See also attachment
7. Approximate date of disposition: _____

(ATTACHMENT, OTHER SUITS FILED)

DEFENDANTS

Tarrant County Judges MIKE THOMAS, TIM CURRY, severale UNKNOWN Judges in Tarrant County, severale UNKNOWN Deputy District Attorneys, TARRANT COUNTY SHERIFF DEE ANDERSON.

DOCKET NUMBER 4:05 CV 208 U.S. DISTRICT COURT FORT WORTH

DATE FILED 5-25-05

COURT FIFTH CIRCUIT COURT OF APPEALS OF NEW ORLEANS
PENDING ON APPEAL, BRIEFED.

DOCKET NUMBER 05-10615 SCHEANETTE V THOMAS

3872, FM, 350 South

Polunsky Unit

II. PLACE OF PRESENT CONFINEMENT: Livingston TX 77351

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? ☒ YES ☐ NO
 Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name of address of plaintiff: 3872, FM, 350, South, Livingston TX 77351 (Deborah)

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: See attach ment

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #2: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases of statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

(See attach ment)

STATE COMMISSION ON JUDICIAL CONDUCT

(POLICY)

PO.BOX 12265,Austin,TX 78711-1165,www.scjc.state.tx.us,(512)463-5533,Toll free# (877) 228 5750

Policy of discrimination against death row inmates

Policy of discrimination against convicted felons

Policy of discrimination against convicted felons in prison

Policy of discrimination against indigent felons(convicted)

Policy of discrimination of against indigent convicted Felons in prison.

Policy of view point discrimination,complaint about ~~xxxx~~ racism by Judges.

Policy of inhibiting speech on account of its contents

Policy of conspiring to discriminate against death row inmates

Policy of conspiring against convicted felons

Policy of conspiring to discriminate against convicted felons in prison.

Policy of conspiring to discriminate against indigent convicted felons in prisons.

Policy of conspiring to discriminate against convicted felons in generale.

Policy of conspiring to inhibit speech on account of its contents

Policy of conspiring to commit view point discrimination.

Policy of discrimination against accused sex offenders.

Policy of conspiring to discriminate against accused sex offenders ,these refer to a complaint filed by Charles Dewayne Thoron,while he was in Tarrant County jail in 2001,he filed a complaint about a Tarrant County Judge doing the same in his pretrial,they refuse to act as well on account of status.

Policy of failing to stop each other from conspiring against death row inmates.

Policy of failing to stop each other from conspiring against convicted felons in generale.

Policy of failing to stop each other from conspiring against convicted felons in prison.

Policy of failing to stop each other from conspiring against indigent felons in prison.

Policy of failing to stop each other from conspiring against indigent felons in generale

Policy of failing to stop each other from conspiring against accused sex offenders.

Policy of failing to stop each other from conspiring to inhibit speech on account of its contents.

Policy of failing to stop each other from ~~injuring~~ discriminateing against death row inmates

Policy of failing to stop each other from discriminateing against convicted felons in generale.

Policy of failibng to stop each other from discriminateing against convicted felons in prison.

Policy of failing to stop each other from discriminateing against indigent felons in genrale.

Policy of failing to stop each other from discriminateing against indigents felons in prison

Policy of failing to stop each other from discrimination against accused sexoffenders

Policy of failing to stop each other from discriminateing pertain ~~to~~ -g view point discrimination

Policy of failing to stop each other from conspiring to committe view point discrimination.

Policy of failing to stop each other from conspiring to inhibit speech on account of it contents.

Policy of failing to stop each other from discrimination against speech on account of it contents..

Policy of dis crimination against,writ wrighters,failing to stop, conspiring conspiring against,policy of failing to stop.

MEMBERS IN THIER INDIVIDUAL COMACITY

The plaintiff seeks damages from each member in his or her individual compacity,for acts 1 thru 33,note it is times 8 involving the failure to stop claims,the failure to stop each of the other 8 members \$ _____(x 8,each defendants)

Seana Willing (Executive director)

Joseph B.Morris (Chairmen)

James A.Hall (Vice Chairmen)

Dee Coats(Secretary)

Kathleen H. Olivares(member)

Gilbert M.Martinez (Member)

Ronald D.Krist (members)

R.C. Allen,III(members)

Faye Barksdale (members)

Rex G. Baker,III(members)

there work addresses

P.O.Box 12265

Austin,TX,78711-2265

(512) 463-5533

Toll free #(877)228-57 50

wed addresses www.scjc.state.tx.us

(EACH DEFENDANT INDIVIDUALLY)

Negligant implamentation of investigation policy,complaint needed to provide info when it cost to obtain info.

discrimination against death row inmates

discrimination against convicted felons in prison

discrimination against convicted felons in generale

discrimination against indigent convicted felons in prison

view point discrimination against plaintiff on account of comlaine d of conduct.

conspiring to committe view point discrimination.

conspiring against plaintiff on account of being death row inmate

conspiring against plaintiff on account of being convicted felon in prison

conspiring against plaintiff on account of being convicted felon in generale.

inhibiting plaintiff speech on account of its contnets

conspiring to inhibit plaintiff speech on account of its contents

conspiring against plaintiff on account of being indigent felon in prison.

discrimination against plaintiff on account of being convicted ~~xx~~ sex offender.

conspiring to discriminate against plaitiff on account of being convicted sex offender.

failing to stop each other from conspiring against death row inma -tes.

failed to stop ~~xxx~~ conspiring on account of being death row inmat -ates.

failed to stop conspiracy against plaintiff as a person.

failed to stop conspiring against plaintiff .

failed to stop conspiring on account of being convicted felon in prison.

failed to stop conspiring on account of being a indigent con- victed felon in prison.

failed to stop conspiracy to ihibit speech on account of it conte -nts.

failed to stop conspiracy to inhibit speech on account of being a death row inmate,sex ofender,convicted felon,african american, indigent convicted felon,convicted felon in prison.~~wright~~ writ wrighters.

discrimination against writ wrighters.. 2

COMPLAINT

(FOR FEDERALE AND STATE CLAIMS)

I, the ~~xxxxxx~~ plaintiff ~~XXXX~~ DALE DEVON SCHEANETTE, state that on 3-22-04, I filed a complaint to the aforementioned defendants, about serious Juducial misconduct in my pretrial and trial proced-ure, and informing them that there was evidence on the court repoters transcripts to prove it, and giveing them Heabus counsel name and number to call him to obtain a copy of the document signed by a witness abtained by me directly showing that trial court had ingaged in expare te communication with state witnesses and conspired against me, as well as swearing that info given to the defendants was true, that the trial court had told me to my face, that he was aware it was error to deny my motions, while alon-e with Prosecoteing Attorney Gregory T. Miller, and that he has ~~saidxxxxxxx~~ had stricken my African American jurors for racial peurposes, but none theless, I recieved a responce from the defendants informing me, they could not substaintate my allegations, asking me to submitt more new info, they were unable to substaintate the old info, the plaintiff complains that the defendants never investigated my complaint or looked into it, or took it serious, on account of me being a death row inmate amnd being a convicted felon unworthy of belief, my word was not trust worty and beliavble, this action taken by them demonstrates discrimnatory animus towards the plaintiff do to being a death row inmate and a convicted felon, and ~~xxx~~ was also to further the attempt to curtail my speech on account of its contents about racesinm by the judge, and his indicate he would do it in the future, they had not investigated or made any attemp tp to look into my complaint, if they had, Greegory Miller would have provided them with documentation from the Judge, a letter writen to them further admitting his misconduct, as well as he provided me with the info nearly two months after the responce from the defendants as well as he provided me with trans critps to prove my allegatio about the trial court, they had not contacted Miller, if they had he would have provided it to them, it existed at that time, all do there is no right to this, they cant discriminate against me on account of being a death row inmate and convicted felon, or being an indigent convicted felon.

42 U.S.C. § 1983

COUNT 1

The ~~xxx~~ afore mentioned defendants have conspired to discriminate against the plaintiff, 1st, 14th AMEND U.S. CONST RIGHT. (freedom of speech, equal protection) 8th (cruel and unusual punishment-ANIMUS)

42 U.S.C. § 1983

COUNT 2

The afore mentioned defendants have discriminated against the plaintiff, 1st, 14th AMEND U.S. CONST RIGHT (freedom of speech, equal protection) 8th (cruel and unusual punishment-animus)

COUNT 3

42 U.S.C. § 1985(3)

The ~~xxx~~ afore mentioned defendants have conspired directly or indirectly to deprive the plaintiff of equal protection under the law, and privileges, or immunities.. 1st, 14th U.S. CONST RIGHT (freedom of speech, equal protection) 8th (cruel and unusual punishment-ANIMUS)

COUNT 4

42 U.S.C. § 1986

The ~~xxx~~ afore mentioned defendants failed to stop each other from conspiring to discriminate against the plaintiff 1st, 14th AMEND U.S. CONST RIGHT, and 8th, (freedom of speech, equal protection), cruel and unusual punishment-ANIMUS)

STATE LAW

COUNT 5

NEGLIGENCE

The ~~xxx~~ afore mentioned defendants have negligently injured the plaintiff, by and thru their policy of discrimination against, and acts and omissions

COUNT 6

NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS

The afore mentioned defendants have negligently inflicted, emotional distresses upon the plaintiff by and thru their acts and omissions

COUNT 7

INTENTIONAL INFLECTION OF EMOTIONAL DISTRESSES

The aforementioned defendants have inflicted emotional distress

(CONTINUED)

upon the plaintiff by and thru there acts of discrimination, as well as failing to ~~xx~~ attempt to verify, or verify allegations.

COUNT 8
ABUSE OF PROCESS

The afore mentioned defendants have abused there legal duty to investigate misconduct, by and thru useing it to discriminate against prisoners, convicted felons, indigent convicted felons, and death row inmates, as well as refuseing to prosecute on account, of the social status of the person makeing the complaint, ~~xx~~ unprofessional complaints ~~xx~~ compared to the professional complaints of defendant

COUNT 9
FEDERAL INTINAL INFLICTION OF EMOTIONAL DISTRESS
42 U.S.C. 1983

THE afore mentioned defendants have intinally inflicted emotional distresses upon the plaintiff by violateing his Federale rights, by and thru there acts

COUNT 10
FEDERALE INTIONAL INFLICTION OF EMOTIONAL DISTRESS
42 U.S.C. 1983

The afore mentioned defendants have conspired to ~~xxxxxx~~ inflict emotional distresses upon the plaintiff by and thru there acts

COUNT 11
42 U.S.C. 1985(3)

The afore mentioned defendants have conspired to inflict emotional distresses upon the plaintiff by and thru there acts or omissions.

(RELIEF)

I would like 5 MILLIONS U.S. DOLLARS, for each injury to me involving my Federale and State rights and interest, & punitive damages, from each defendant.

1(a)

COMMON LAW TORT

COUNT 12

FRAUD

Fraudulent misrepresentation of there investigation into my complaint

COUNT 13

FRAUD

Fraudulent misrepresentation of there service, to prosecute judicial mis conduct, when there is Judicial misconduct, they are not committed to this as they say in there memo sent to me as to the service they provided

COUNT 14

NEGLIGENCE

The commission has negligant misrepresented there investigation into my complaint they did not.

COUNT 15

NEGLIGENCE

The commision has negligantly misrepresented there service, of investigateing and prosecuting judicial mis conduct, they didnt, when there proff, it depends on who presents the complaint..

COUNT 16

42 U.S.C. 1985(2)

The defendant have conspired to hinder, obstruct, impeded and defeat the plaintiff in bring the trial court to justice, thru the due course of liscence revacation, by falsely stateing the lack of substantiation of evidence to presecute for the racesim

CONCLUSION

Plaintiff asked that, if there is any other relief the court believes he is intitiled to, that it be given, that is shown.

SUPPLEMENTED CLAIMS (6-16-05)

COUNT 17

STATE LAW CLAIM

The state is liable to the plaintiff, due to the misuse and wrongful acts committed against the ~~xxx~~ plaintiff, by and thru the use of there MOTORDRIVEN EQUIPMENT, namely there typewriter, and computerprinter which is infact electrical motor drvien, when the defendendants typed up the ~~xxxxxx~~ letter or printed it useing the motor driven equipment, namel;y the printer wheels, return button, line spacecer, tab, auto return, index, or the printer discharge of the paper when printed, the motor used to drive the scanner, they used the motor driven equipment for a purpose for what is was not to be used to do, they have ~~xxxxxxx~~ misused the equipment, this motordriven equipment came into there custody or use, by virture of the government employment, or office.. (each defendant in there OFFICIAL COMPACITY), the STATE would infact be liable to the plaintiff if it were a person, the equipment was misused to discouarge inmate complaints, that complaints would not be taken serious by commision.

COUNT 18

42 U.S.C. §1981

The plaintiff states that the defendants have refused to contract with him, violateing 1981, by and thru there attempts to curtail the plaintiff speech about racesist acts committed against him by JUDGE THORTON, therefore they refused to investigat the complaint, simply lied that they did, in order to hinder the speech, account of its contents, they refused to inter into an contract to have JUDGE THORTON REMOVED, liscensce revoked for his RACIAL TREATMENT OF THE PLAINTIFF, ANIMUS explained to the DEFENDENTS, the plaintiff was REFUSED there services.

SPECIAL REQUEST

The ~~xxx~~ plaintiff would like to have his envelop, 80¢ stamp, typeing paper (2.00 , U.S. Dollars), typeing Ribbon (4.95, U.S. Dollars), CARBON PAPER (1.80 U.S. Dollars), all reimbursed, for the complain t mailed to the defendants.

CONTINUED

CLAIM 19

NEGLIGENCE

The State of Texas, was negligent, in selection of members of its commission, supervision of members when reviewing complaints, training about discrimination towards inmates, of all sorts, retention of members whom it knew or should have known, should have not been selected or whom were acting in discriminatory fashion or whom were not former Prosecutors for state, monitoring of members performance when in fact knew or should have known of a failure to remove or attempt to remove any Judge in ~~xxx~~ criminal cases, for misconduct complained of in media of Judges not being neutral especially in DEATH PENALTY CASES, all of which lay the foundation for the intentional tort of a third person to happen....see Downey v Denton County 119 F3d 381 (5th Cir 1997), namely each and every member of its staff (commission)

CLAIM 20

A.D.A. 42 U.S.C. § 12203(b)

The Defendants have unlawfully interfered with the plaintiff in exercise of his rights guaranteed and protected by the A.D.A., by and through their notice to plaintiff that they were unable to substantiate his complaints when in fact it was substantiable, if they had simply called witnesses, they did not, in order to curtail speech of discrimination against plaintiff, as a qualified individual under the A.D.A.

\$ 10 MILLION U.S. DOLLARS

CLAIM 21

A.D.A. 42 U.S.C. § 12203(b)

The defendants have unlawfully coerced with the plaintiff in exercise of his right to oppose any act of discrimination, or complain of discrimination, by insinuating to plaintiff, due to his disability ~~xxx~~ no one cared or would take him seriously, so should stop complaining except discrimination against him.

AMERICAN WITH A DISABILITY ACT

42 U.S.C.12101-12132-12165

TITLE II,III

COMPLAINT

Plaintiff states,that on account of being a convicted "felon", all of the defendants discriminated against me,~~they~~ they refused to investigate my compalint against my visiting trial Judge ~~Robert~~ Robert Thorton,on account that they considered,do to being a convicted felon,my word alone was not trustworthy to investigate my complaint,as well as being a death row inmate,they responded they were unable to substaintie the alegations,in my complaint, although I have given them my Heabus counsel phone number to call him to get letter signed by a witnesses indicateing the Juducial misconduct in my trial procedures,as well as, I informed them tha there was some on the record,such as the court saying he was not going to grant my motion for a change of venue,but he knew it would get reversed on appeal,(C.R.R.Vol 24),but do to account of my disability,the refused to take steps to verify my compaint,on account of these inactions and actions, I was "excluded from" perticipation in ~~xx~~ there service to the public,as well as the program of removeing the Judges from the bench on a valid complai-nt,as well as,denied the benefits of there service,if they would have loked into it,they would have been provided a letter from the trial court himself to the Tarrant County District ATTORNEY Office,admitting to the misconduct,this info was provided to the Plaintiff by one the trial courts conspiring party,Gregq Miller, he provided it after the complaintant filed a complaint against him to the state bar,he would have provided them with further Transcripts showing that trial court said,that it bothered him to know it would file a law suite if he grtanted my motions,(C.C.R. Vol 24)they had no intentions of investigateing my complaint,do being regrded as society unworthy,I was subjected to discriminati ,and excluded from perticipation in there sercive,and program.

~~to~~ \$ 10 MILLION U.S. DOLLARS _____

(ADA COMPLAINT II)

(CONTINUED)

TITLE III

The aforementioned defendants have failed to provided the with "assisability" to there service,by and thru,there failure provide there addresses and applications to inmates in prison, that they may file complaints,I had to wright to the state bar inorder that I may recieve a copy of there addreses,then inturn, wrote a letter to the defendant asking to be be provided with an application that I may file my compalint,they have failed to make "reasonable accomadations" for my disability of being in prison and on death row,I have no acdcess to out side phones or any way of contacting them,

\$10 U.S. MILLION DOLLARS

(COMPALINT III)

The aforementioned defendants have discriminated,on account of my indigency,caused by being in priosn,do to my inability to produce the trans cripts up fron,the defendants refused to allow me to perticipate in there serive and program,they refused to take any steps to verify my allegations,my word ~~was~~ "alone",was unwort hy,of belief

\$ 10 MILLION U.S. DOLLARS

(COMPLAINT IIII)

The afore mentioned defendants,failed to make reasonable accom-dations for my indigency caused by being in prison,by requesting the complained of defendant produce the trascript,or request tha D.A. office provided them with a copy ~~xxxx~~ as is the case with the STATE BAR OF TEXAS,on account of my disability,indegency,caus-ed by being in prison,and there failure to make reasohable accomadations for it,I was excluded from perticipation in there service and program..

\$ 10 U.S. MILLION DOLLARS

QUALIFICATIONS

ADA

CONVICTED FELON- Cant work were want to, travel where want to, ~~xxx~~ such as other countries, cant live were want to, cant rent an apt with a felon conviction, Cant work for the Government, own a gun vote, work for the state, work for private companies only with the exception of a few, cant work jobs in Texas involving ~~xxxxxxx~~ medicine, medication delivery to patience or pharmecy, prescription refile, regarded as untrust worthy, liers, thieves, muders, rapesist, conartist, habutual liers, dishonest, durqdelears, drug addicts, etc. Jury service

CONVICTED FELON IN PRISON- being in prison severly restricts a major life activity, cant care for one self, by reason of incarsara tion, see Estelle v Gamble 925 S.Ct.285,291(1978), Deshaney spura 109 S.Ct.998,1005-06(1989), vote, reproduce, care for one family . play with kids, talk to kids.

DEATH ROW INMATE- untreatable, future danger, unable to intereact with others, social disfuctional, social misfits, unable to conduct selves in a civilixed maner, prone to violence, Mc Aldin v County of Sandingo 192 F3d 123,126(9th 1999)(interact with others), Heisler v Metropoliton Counsel 339 F3d 622(same), Wood v Crown Redi mix Inc 339 F3d 682,685 (8th 2003)

CONVICTED SEX OFFENDER, regarded as, needeing further treatment ~~xxx~~ when they leave prison, still regarded as being sick, mentally, although they have infact served there time, restricted in where can live, work, visit, no school zone, must register as sex offender, discriminated aqainst

(MANIFESTATIUN OF PAIN AND SUFFERING)

loss of appatitie, with drawrenen from others(including recreation over the year to an extent), depression, loss of sleep, sucidial tendacy(because believe know one cares about situation), loss of weight, extreme depression until cause acid reflux in stomach, extreme depression, causeing to contemplate dropping appeals, reject attempts from family to visit in prison, refused to file a visitation form, extreme rage, where contemplate how defendants should be draged behind vehicle for protecting racesist Judge, wanting to witnesses it. exzibiting extreme distrust in criminal justice system, paranoid, defendants are part of conspiracy against plaintiff an miniorities, conspiracy to bring all minioities to ~~extinction~~. extictsiion. 1

PROFF OF RECIEPT OF SERVICE

DALE DEVON SCHEANETTE
Plaintiff

V

STATE COMMISSION ON JUDICIAL CONDUCT, defendants

We, the STATE COMMISSION ON JUDICIAL CONDUCT, swears under the penalty of perjury, that we have received a true and correct copy of the civil litigation instituted against us by the Plaintiff DALE DEVON SCHEANETTE, as shown below, by our stamp or signature on the below listed date.

COMMISSION

On this day, the afore civil litigation came to the hand of _____, AND SIGNED an accepted, this date-- _____, year _____

MEMBERS

_____	date	_____
_____	DATE	_____
_____	DATE	_____
_____	DATE	_____
_____	DATE	_____
_____	DATE	_____
_____	DATE	_____
_____	DATE	_____
_____	DATE	_____

STATE COMMISSION ON JUDICIAL CONDUCT
P.O. Box 12265
Austin, TX 78711
512-463 5533
877-228-5750 (TOLL FREE)
www.scjc.state.tx.us

State Commission on Judicial Conduct

Officers

Joseph B. Morris, Chair
James A. Hall, Vice Chair
Dee Coats, Secretary



Executive Director
Seana Willing

Members

Kathleen H. Olivares
Dee Coats
Gilbert M. Martinez
Ronald D. Krist
R.C. Allen, III
Faye Barksdale
Rex G. Baker, III

April 1, 2004

CONFIDENTIAL

Dale Scheanette #999440
3872 FM 350 South
Livingston TX 77351

Re: CJC #: 04-0708-RT

The disciplinary system of the State Commission on Judicial Conduct serves one purpose: to investigate claims of misconduct committed by Texas judicial officials. A judge is guilty of judicial misconduct only if he or she is found to be in violation of Article 5, Section 1-a(6) of the Texas Constitution, has been convicted of, or entered a plea of "no contest" to certain crimes, or has failed to comply with certain mandatory provisions of the Texas Code of Judicial Conduct. If a judicial official has violated these rules, the State Commission on Judicial Conduct may discipline the judge through an admonition, warning, reprimand, or requirement for additional education, issued publicly or privately. In severe cases, the Commission may recommend the initiation of formal proceedings in order to censure or remove the judge from office.

* We appreciate the concerns raised in your letter. However, after thoroughly reviewing your information, the Commission was unable to substantiate the allegations raised in your letter. In conformity with the specific constitutional provisions, statutes and canons, which limit the actions that can be considered judicial misconduct, this case has been dismissed. *

If you have additional evidence (witness statements, affidavits, hearing transcripts, etc.) not previously reviewed or considered by the Commission, you may request, one time only, a reconsideration of your case by the Commission. Please provide your written Request for Reconsideration, along with photocopies of any documents you wish the Commission to review, **no later than thirty (30) days** from the date of this letter. Forms are attached for this purpose.

While not all writings result in a finding of misconduct, we appreciate your concerns and your interest in assisting us in maintaining the high ethical standards of the Texas judiciary. Thank you for bringing these issues to our attention.

STATE COMMISSION ON JUDICIAL CONDUCT



R.E. THORNTON
Senior Judge
General Jurisdiction Trial
205 Bluff Ridge Road
Weatherford, Texas 76087
(817) 448-8806

January 18, 2003

Honorable Tim Curry
District Attorney, Tarrant County
Tarrant County Justice Center
401 West Belknap
Fort Worth, Texas 76196

Dear Tim:

With the Sheanette case finished I wanted to take a minute to compliment your team of prosecutors in the case. Both Greg and David comported themselves with the highest professionalism and ethics. It is a pleasure to try a case with such characteristics being displayed.

Also, I appreciated the assistance each of them gave me when I asked for it and at time even before I had asked.

* No case is ever tried "error free" but Greg and David helped keep them to a minimum and I believe the case will stand up on appeal.

* Thank you for giving me such a team to work with.

* With best regards, I remain,

Yours very truly,

A handwritten signature in cursive script, appearing to read "R. E. Thornton".
R. E. Thornton

Cc: Greg Miller
David Hagerman

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1 In the Rideau case, three members of the jury
2 which convicted him had stated on voir dire that they had
3 seen and heard Rideau's televised interview with the sheriff
4 on at least one occasion. And two members of that jury were
5 deputy sheriffs of -- I don't know how you say this --
6 Calcasieu, C-A-L-C-A-S-I-E-U, Parish in Louisiana.

7 In the Sheppard case, she mentioned to the
8 Court there were editorials in that case. We don't have that
9 here. What we do have, as we pointed out in our brief
10 Memorandum of Law to the Court, is some more recent Texas
11 Court of Criminal Appeals cases. And rather than go through
12 that, I feel certain that the Court has read our Memorandum
13 of Law.

14 I will say this about the Henley case because
15 it's been talked about so much here. The Henley case was
16 reversed because the Court failed to give the Defendant in
17 that case a pretrial preliminary hearing on the change of
18 venue. This now makes, by my count, the third day that we
19 have spent formally being in court on this change of venue.
20 Obviously, as the Court's indicated, you personally have
21 spent four days reviewing the material.

22 The fact of the matter is it is their burden to
23 show that the publicity in this case has been prejudicial,
24 pervasive and inflammatory. Mr. Hagerman and I do not
25 believe they have carried their burden. We set out some

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1 the things that their own live witnesses said in the hearing
2 on October 2nd of this year on this issue.

3 No one is doubting that there has been
4 publicity in this issue; however, the Court has been very
5 diligent and prudent about protecting the safeguards of the
6 Defendant, Dale Scheanette, in this case. And Mr. Hagerman
7 and I have every belief that the Court will continue to do
8 that. We believe that this trial can begin and go forward on
9 November 7th with the jury. We do not believe the Defense
10 has met their burden.

11 The standard, of course, is an abuse of
12 discretion on the part of Your Honor. We do not believe this
13 Honorable Court would, in fact, be abusing its discretion if
14 it, in fact, allowed the trial to continue on in Tarrant
15 County, Texas. Having sat through the entire jury -- all of
16 the jury proceedings in this case, Your Honor is probably in
17 the best position to come to his own conclusions about
18 whether or not Dale Scheanette can be protected here in this
19 case under the Fourteenth Amendment of due process of law or
20 any other constitutional amendment. And that's all I have to
21 say, Your Honor. Thank you

22 THE COURT: Thank you, Mr. Miller.

23 Ms. Tolbert.

24 MS. TOLBERT: Just very briefly, Judge.

25 Regarding the issue of no challenge for cause from the seated

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1 jurors, this is exactly what the Court's warned against;
2 confusing voir dire in the issues under 35.16 and a change of
3 venue and the issues under 31.03.

4 The juror -- the cases address the issue that
5 the juror may not be challengeable for cause under 35.16, but
6 the need for the change of venue can still exist. So I would
7 suggest that the State's trying to lead you into some error
8 here because the cases specifically address this; that these
9 are two totally different issues. *Ms. Tolbert*

10 Judge, I think I've pretty much said it all
11 otherwise, and I certainly appreciate the Court's time in the
12 process of Mr. Scheanette in this matter.

13 THE COURT: All right. First of all, I want to
14 congratulate you, Ms. Tolbert, on the efforts you made in
15 this regard. I would say probably that there has not been
16 and probably will not be, unless this case gets overturned,
17 an effort to gather in all of the various news media
18 references to any case that would exceed what your efforts
19 have done. I just can't see it. I think you've done an
20 excellent job to a point that the Court, as I say, reviewed
21 what you have done ad nauseam.

22 There are things that you pointed out here that
23 have bothered the Court. The Court has been sitting through
24 the years in various cases, some in which change of venue
25 have been raised, but I feel like, frankly, from the evidence

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1 that I have had, from the exhibits that I have observed, that
2 this information primarily was disseminated in 1996, and
3 then, as you pointed out, was not let die through 2002, the
4 arrest. And I think from what I could see and hear in the
5 evidence, that it was not let die because of two things:
6 first of all, media's perhaps pricking the police, and second
7 of all, the police concern about whether or not something
8 else might happen. And also their reaction to the pricking
9 that was coming from the media.

10 I don't think under the law that I am precluded
11 from considering what I heard in the voir dire in making my
12 selection -- my ruling, but, certainly, I don't give it much
13 weight in making my ruling because the courts have told me
14 not to. And I won't.

15 I am concerned about the rights and privileges
16 of each individual citizen. And this is what has bothered me
17 more than anything else. Because I think at this day and
18 time, the appellate courts have placed a strong burden on the
19 trial courts to rule and to make their own decision.

20 I have studied the Henley case and certainly
21 your breakdown, Ms. Tolbert, of the matters that were
22 presented in relation to the various seven parts of the test
23 was helpful. But by and large, I feel like that this area is
24 so large and that the figures that were given are of such a
25 nature that it doesn't warrant the change of venue. I'm